

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SPECIAL CIVIL APPLICATION No. 6446 of 1996****With****CIVIL APPLICATION NO. 11011 of 1996****For Approval and Signature:****HONOURABLE MR.JUSTICE M.R. SHAH**

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1 Whether Reporters of Local Papers may be allowed
to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy
of the judgment ?

Whether this case involves a substantial question
of law as to the interpretation of the

4 constitution of India, 1950 or any order made
thereunder ?

5 Whether it is to be circulated to the civil judge
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MANISHKUMAR M SOLANKI - Petitioner(s)
Versus
A'BAD TEXTILE INDUSTRY'S RESEARCH ASSOCIATION & 3 -
Respondent(s)

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Appearance :

NOTICE UNSERVED for Petitioner(s) : 1,
MR JAGDISH H MEHTA for Respondent(s) : 1,
NOTICE SERVED for Respondent(s) : 2 - 3.
SERVED BY RPAD - (N) for Respondent(s) : 4,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH**Date : 10/01/2007****ORAL JUDGMENT**

By way of this petition under Article 226
of the Constitution of India, the petitioner has

prayed for an appropriate order directing the respondent No.1 Ahmedabad Textile Industry's Research Association (ATIRA) to follow the reservation policy as well as to prepare and implement roster system in the matter of appointments and promote the petitioner accordingly with due seniority.

2. As the learned advocate appearing on behalf of the petitioner has expired, office had issued notice upon the petitioner, however it is reported that the notice upon the petitioner could not be served as he has already retired and not found at the given address.

3. It appears that the petitioner relied upon pendency of one Special Civil Application No. 3120 of 1991 in support of his submission that the petitioner against the respondent No.1 is maintainable as the respondent No.1 can be said to be 'State' within the definition of

Article 12 of the Constitution of India. It is reported that the said Special Civil Application No. 3120 of 1991 has been dismissed by the learned Single Judge by judgment and order dated 18.11.1999 by holding that respondent cannot be said to be a 'State' within the definition of Article 12 of the Constitution of India. Even otherwise, the petitioner has already retired and therefore there is no question of any promotion now to the petitioner. Under the circumstances, the present Special Civil Application is dismissed. Rule is discharged with no order as to costs.

4. In view of disposal of main Special Civil Application, no order in Civil Application No. 11011 of 1996 and it stands disposed of accordingly.

[M.R. Shah, J.]

rmr.